

## Message Text

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ACTION IO-13

INFO OCT-01 ISO-00 AF-08 ARA-06 EA-07 EUR-12 NEA-10

CIAE-00 DODE-00 PM-04 H-02 INR-07 L-03 NSAE-00 NSC-05

PA-01 PRS-01 SP-02 SS-15 NSCE-00 SSO-00 USIE-00

INRE-00 ACDA-07 ERDA-05 NRC-05 /114 W

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FM USMISSION USUN NY

TO SECSTATE WASHDC IMMEDIATE 9472

AMEMBASSY LONDON IMMEDIATE

AMEMBASSY MOSCOW IMMEDIATE

AMEMBASSY PARIS IMMEDIATE

CONFIDENTIAL USUN 4006

E.O. 11652: GDS

TAGS: PFOR, FR, UK, UR

SUBJECT: SOVIET NON-USE OF FORCE INITIATIVE

1. OUR PRELIMINARY REACTION TO SOVIET ITEM ON "WORLD TREATY ON THE NON-USE OF FORCE IN INTERNATIONAL RELATIONS" AND THE DRAFT TREATY THEY HAVE SUBMITTED IS STRONGLY NEGATIVE. A TREATY WHICH PARTIALLY COVERS SAME GROUND AS THE UN CHARTER AND WHICH IS TO BE ADOPTED BY THE GA RISKS WEAKENING THE CHARTER STRUCTURE AND OPENING UP THE UN SECURITY SYSTEM, WITH ALL ITS FAULTS, FOR DE FACTO AMENDMENTS BY WHATEVER STATE OR GROUP OF STATES (E.G. NON ALIGNED) WISHES TO PROPOSE PARALLEL TREATY RULES. IN ADDITION, ALTHOUGH THE TEXT OF THE TREATY IN CURRENT FORM IS NOT NECESSARILY SOMETHING TO WHICH WE WOULD VIOLENTLY OBJECT, GROMYKO'S SPEECH AND ACCOMPANYING LETTER TO SYG INVITE AMENDMENTS TO PROTECT THE RIGHT OF PERSONS IN OCCUPIED TERRITORIES AND COLONIAL PEOPLES TO USE ARMED FORCE. WE SUPPOSE THE USSR WOULD EASILY AGREE TO ACCEPT AN ARAB AMENDMENT ON OCCUPIED TERRITORIES AND BLINK AWAY AT THE HARM THAT WOULD BE DONE TO THE VIABILITY OF SC-ORDERED ME CEASE-FIRES.

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2. WE BELIEVE WE SHOULD LEAVE NO DOUBT IN SOVIET MIND THAT

WE REGARD THIS INITIATIVE AS UNHELPFUL.

3. THE DANGERS OF RAPID APPROVAL OF TREATY BY GA WITH UNACCEPTABLE LANGUAGE ON PERSONS IN OCCUPIED TERRITORIES AND COLONIAL PEOPLES WOULD BE DIMINISHED IF WE COULD GET THE ITEM REFERRED TO UNGA LEGAL COMMITTEE IN WHICH WERE ELABORATED THE CONSENSUS 1970 FRIENDLY RELATIONS DECLARATION AND THE 1974 AGGRESSION DEFINITION TO WHICH THE SOVIET TREATY REFERS. THE SOVIET DEL LEGAL ADVISER AND SIXTH COMMITTEE REP INDICATES THEIR FIRST PREFERENCE IS TO HAVE THE MATTER HANDLED BY PLENARY. WE ARE NOT CERTAIN WHETHER THEY WOULD BE WILLING TO CONSIDER REFERENCE TO THE LEGAL COMMITTEE OR, IF NOT, WHETHER WE COULD MARSHALL VOTES IN THE GENERAL COMMITTEE TO ALLOCATE THE ITEM TO THE LEGAL COMMITTEE OVER SOVIET OBJECTION.

4. PRELIMINARY DISCUSSION WITH BRITISH INDICATE THEY ALSO VIEW THE SOVIET INITIATIVE IN THE FOREGOING LIGHT. INITIAL REACTION OF FRENCH ACTING DEPUTY PERMREP WAS THAT TREATY ON ITS FACE IS UNOBJECTIIONABLE. HOWEVER, SUBSEQUENT DISCUSSIONS WITH DELOFFS SUGGESTED FRENCH MAY NOW SEE INHERENT DANGERS IN SOVIET TREATY APPROACH AND THEY EXPRESSED PRELIMINARY SYMPATHY FOR IDEA OF SEEKING TO ALLOCATE THE MATTER TO THE LEGAL COMMITTEE. FRENCH INDICATE THEY FEEL SOMEWHAT CONSTRAINED IN EXTENT TO WHICH THEY CAN DIRECTLY CRITICIZE CURRENT TEXT SINCE SOVIETS MET EARLIER FRENCH REQUEST THAT ANY SOVIET INITIATIVE IN THIS AREA NOT SINGLE OUT NUCLEAR WEAPONS FOR SPECIAL TREATMENT NOR AFFECT THE RIGHT OF SELF-DEFENSE.

5. UNLESS DEPARTMENT PERCEIVES OBJECTION, WE PLAN LOW KEY SOUNDINGS OF OTHER MEMBERS OF GENERAL COMMITTEE TO EXPLORE CHANCES FOR ALLOCATING THE ITEM TO THE LEGAL COMMITTEE. WE WOULD NOT PLAN TO INITIATE A FIGHT ON THIS UNLESS CHANCES OF SUCCESS SEEM PROMISING.

6. GA PRESIDENT AMERASINGHE MAY BE EXPECTED TOCALL THE GENERAL COMMITTEE TO MEET THIS WEEK ON THE SOVIET ITEM IF THE SOVIETS ASK HIM TO DO SO.

7. WE NEED THE DEPARTMENT'S VIEWS ON THIS APPROACH (PARA 5 ABOVE) AND THE GENERAL TENOR OF COMMENTS WE SHOULD MAKE TO THE SOVIETS.  
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